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Overview

The document provides an overview of Alberta Children Services new Foster Care Model as well as an overview of significant changes to the *Child, Youth and Family Enhancement Act* specifically as it relates to the role of foster parents.

The Ministry of Children Services

The ***Child, Youth and Family Enhancement Act*** enables the achievement of Children's Services' *vision* and *mission* through the *core business*. The role of foster parents is essential to supporting the achievement of the vision for Alberta's children who come into the care of the director.

Vision

"Strong children, youth, families and communities"

An Alberta where children and youth are valued, nurtured and loved, and develop to their potential supported by enduring relationships, healthy families, and safe communities. Alberta will be child, youth and family friendly.

Mission

Working together to enhance the ability of families and communities to develop nurturing and safe environments for children, youth and individuals.

Core Business

The Ministry's core business encompasses the following:

- promoting the development and well-being of children, youth and families
- keeping children, youth and families safe and protected
- promoting healthy communities for children, youth and families.

Alberta's Foster Care Program

The Alberta foster care program is based on the belief that a family unit and parent model is the most beneficial and desirable setting for raising a child. A foster family is a temporary family for a child whose birth family is unwilling or unable to assume full responsibility for the child. The supportive atmosphere of the foster home assists a child in developing healthy self-esteem and offers a positive role model for whom a child can pattern values and behaviours.

Alberta's New Foster Care Model

New Classification System

In September 2004, a new foster care model was introduced with two fundamental classification levels and a stand-alone level for foster parents who bring existing professional expertise to their role. The classification system is as follows:

- Level 1 (formerly accepted, approved and qualified)
- Level 2 (formerly advanced)
- Specialized (new)

New Foster Parent Training Plan

The new training plan for foster parents represents a philosophical "shift". This shift is based on the belief that all parents who foster need to have Level 1 core training so they have the knowledge required to better respond to the needs of children placed in foster care. The core training is currently being reviewed to support the new foster care model and requirements under the *Child, Youth and Family Enhancement Act*. The intent of the review is to streamline the training requirements based on the assessment of the core competencies foster parents require.

Skill Fees

Classification assessments are based on the worker's assessment of a foster parent's experience, skills and abilities, training and experience. Skill fees are based on the classification of the foster parent as follows:

- Level 1: $10.50 per day
- Level 2: $23.00 per day
- Specialized: Special rates based on individual needs of the child

Introduction to the *Child, Youth and Family Enhancement Act*

The review of the *Child Welfare Act* was completed in 2001 and 2002. The recommendations and amendments from the review of the legislation was based on research and information obtained through a community consultation process that involved over 140 meetings and the receipt of over 600 submissions from stakeholders across the province.

The *Child Welfare Amendment Act* was introduced in the Legislative Assembly in March 2003 and received Royal Assent in May 2003. Further amendments were introduced and received Royal Assent in March 2004. The *Child Welfare Act* has been also been renamed the *Child, Youth and Family Enhancement Act* ***(Enhancement Act)***.

The following information is to provide foster parents with an increased understanding of the changes that will result from implementation of the *Enhancement Act*, regulations and policy directions. Some sections refer specifically to the role of a foster parent, while others include the broader category of caregivers, which also includes foster parents.

Definitions

Included in the *Enhancement Act*, are changes that include revised definitions, terms, section numbers, and forms.

Throughout the orientation module, legislation, regulation and policy will be referred to. The following provides a summary of the areas:

- The *Enhancement Act* is the "law" (legislation).
- "Regulations" are part of the legislation and include the rules of the law. Some of the forms, for example, are regulated, which means that they are difficult to change because a parliamentary process is required. Some of the programs are highly regulated as well, for example, the new "Supports for Permanency Program" has many rules that are required by law through the regulations. To further explain, the *Enhancement Act* allows the director to provide financial support to those who obtain private guardianship or adoption of children under permanent guardianship order status, and the regulations identify the legislated rules of the program.
- "Policy" encompasses additional requirements that govern practice and provide parameters for compliance by caseworkers and others, including foster parents.

Other Terms used in the Enhancement Act

Aboriginal	Includes First Nations, Métis and Inuit
Intervention services	Any service, including protective services, provided to a child or family under this *Act* except for services provided under Part 2 (Adoption) or Part 3 (Licensing)
Family enhancement services	Any service provided under a family enhancement agreement (formerly "support agreement") and care provided under section 7 of the *Enhancement Act*, including: Family Enhancement Agreement, Enhancement Agreement with Youth (formerly "support agreement with youth"); Support and Financial Assistance Agreement for youth over 18 years
Protective services	Any service provided to a child who is either in the custody of a director (apprehension, custody agreement, custody order) or who is the subject of a supervision order, temporary guardianship order or permanent guardianship agreement or order
Youth	A child who is 16 years of age or older

Matters to be Considered

The Enhancement Act identifies "Matters to be considered" which reinforce values, principles and evidence based practice.

When making a decision that will affect a child and their family, the caseworker, individuals involved in court processes, the appeal panel, and anyone else who has authority to make a decision or recommendation under the *Enhancement Act* must support the principles represented by the matters to be *considered*.

The Family Unit
Enhancement Act Section 2(a)

Families are the basic building blocks of society. Children should be removed from their families only as a last resort after all other measures have been found to be unsuccessful. The focus includes identifying what needs to occur to support the child within the family and to provide stability for the child.

"The family is the basic unit of society and its well-being should be supported and preserved;"

Stable, Permanent, Nurturing Relationships
Enhancement Act Section 2(b)

Achieving "permanency" for a child is critical to their healthy development. Permanency is redefined to include a placement other than in the care of the director. The first priority is to establish permanency within the child's family but, if that is not possible, caseworkers need to look for nurturing relationships elsewhere. This primarily includes adoption as the first choice, then private guardianship, or supported independent living for youth.

"The importance of stable, permanent and nurturing relationships for the child;"

Your Role as a Foster Parent

The first priority is always reunification for the child with their family. However, at the same time the caseworker is required to immediately begin exploring optional permanency placements with the child's extended family or community in the event that the child cannot return to the care of their parents. Foster parents have a critical role in supporting children in reunifying with their parents or supporting the child in moving to an extended family placement.

In the event that the child cannot be returned home and an extended family placement is not viable, then the caseworker and foster parent should be discussing further permanency options for the child, which may include the foster parent applying for adoption or private guardianship. Adoption is always the preferred choice for children where possible.

Some foster parents currently have a long term foster care agreement in place for a child in their home or they have had the child in their home for many years. There have been many changes to further support caregivers, including foster parents, who are providing care to children who are under permanent guardianship order status to obtain permanency for the child in their care through adoption or private guardianship. These changes include the new 'Supports for Permanency Program', which will be discussed later in the module, as well as the new 'Family Support for Children with Disabilities Program' which is based on legislation that came into force on August 1, 2004.

Due to the changes in the above programs, you and your caseworker should have a discussion regarding your interest in potentially becoming a permanent caregiver through private guardianship or adoption. Each child and their situation will be discussed on a case-by-case basis. The caseworker now has an increased responsibility to explore permanency for all children who are under a permanent guardianship order. Your decision regarding providing a permanent home for the child is respected.

However, due to the changes in the programs and the increased support

Alberta's New Foster Care Model and the *Child, Youth and Family Enhancement Act*

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that the director is able to provide, this may be an interest for you as many of our foster homes currently adopt children who are under permanent guardianship order status.

Due to the increased emphasis on obtaining earlier permanency for all children, which is supported by the changes in the Enhancement Act, caseworkers will no longer be signing long term foster care agreements with foster parents.

Provision of Services with Least Disruption
Enhancement Act Section 2(c)

The *Enhancement Act* is child-centered with a family focus. Intervention services should establish or maintain stability, permanency, and nurturing relationships for the child. When intervening in families, caseworkers must ensure that the impact on the child is provided in the least disruptive manner.

"The intervention services needed by the child should be provided in a manner that ensures the least disruption to the child;"

Consideration of the Child's Opinion
Enhancement Act Section 2(d)

The importance of considering the child's opinion where possible is emphasized in this section.

Children and youth rely on their caseworkers and foster parents to solicit and listen to their ideas and opinions.

"A child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child;"

Family Responsibility
Enhancement Act Section 2(e)

One of the underlying principles of the *Enhancement Act* is parental responsibility and accountability. Intervention services should preserve the family, as far as is consistent with the safety of the child, and be provided in a way that is the least disruptive to the child. A child should be removed from the family only when the least disruptive services do not protect the child.

"The family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end

(i) If intervention services are necessary to assist the child's family in providing for the care of a child, those services should be provided to the family insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family, and

(ii) A child should be removed from the child's family only when other less disruptive measures are not sufficient to protect the survival, security or development of the child;"

Domestic Violence
Enhancement Act Section 2(f)

Assessing the risk to the child in domestic violence situations includes an assessment of the ability of the parents to protect their child. If possible, intervention services should be provided in a way that helps the abused family member(s) care for their children. The caseworker will determine what supports are available to reduce the risk to the child, and keep the abused family members together.

"Subject to clauses (e) and (g), if a child has been exposed to domestic violence within the child's family, intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member;"

Risk to the Child
Enhancement Act Section 2(g)

A decision about removing a child from the child's home includes assessing the risk to the child of remaining in the home.

"Any decision concerning the removal of a child from the child's family should take into account the risk to the child if the child remains with the family, is removed from the family or is returned to the family;"

Referral to Community Services
Enhancement Act Section 2(h)

Caseworkers are required to support the connection and referral of families to their communities. Differential response includes collaborating and working in partnership with the community to access resources and support the family in caring for their children.

"If it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child's family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act;"

Guidelines for Placement
Enhancement Act Section 2(i)

One way to ensure the "least disruption" to a child is for caseworkers to first look for alternative placements within the child's extended family and community.

"Any decision concerning the placement of a child outside the child's family should take into account

(i) The benefits to the child of a placement within the child's extended family;

(ii) The benefits to the child of a placement within or as close as possible to the child's home community,

(iii) The benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,

(iv) The benefits to the child of stability and continuity of care and relationships,

(v) The mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and

(vi) Whether the proposed placement is suitable for the child;"

Your role as a Foster Parent

As previously discussed the caseworker is required to identify alternative potential permanency placements for the child, and facilitate the child in residing with that caregiver wherever possible and appropriate. In instances where the child has been placed in foster care, foster parents play a critical role in facilitating a successful transition for the child to their parental home or an extended family caregiver.

Scope of Intervention Services
Enhancement Act Section 2(j)

Intervention services focuses on the best interests of the child while ensuring their safety.

"The provision of intervention services is intended to remedy or alleviate the condition that caused the child to be in need of intervention;"

Collaborative & Multi-Disciplinary Approach
Enhancement Act Section 2(k)

The *Enhancement Act* supports increased collaborative and multi-disciplinary team approaches to problem solve and work with children and families.

Caseworkers and foster parents are required to work closely with families and other individuals and community resources in a collaborative and multi-disciplinary manner. This approach enhances the ability to provide appropriate services that support and respect the family unit, that offer the least disruption to the child, and result in earlier permanency for the child.

"Intervention services are most effective when they are provided through a collaborative and multi-disciplinary approach;"

Your Role as a Foster Parent

As foster parents are part of the multi-disciplinary team, it is important that foster parents collaborate with the caseworker, the child's family system as well as other professionals involved with the child to support the success of the placement for the child including the achievement of earlier permanency. All individuals that are working together should be focused on the best interests of the child as per the matters to be considered.

Consistency of Care with Community Standards
Enhancement Act Section 2(l)

Care is provided that's consistent with community standards and available resources.

"If a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;"

Timeliness of Decision-Making
Enhancement Act Section 2(o)

Decisions affecting a child should be made without unreasonable delay.

"There should be no unreasonable delay in making or implementing a decision affecting a child;"

Permanency Planning

Enhancement Act Section 2(m)

The Enhancement Act focuses on obtaining earlier permanency for children and supporting youth to successfully transition to adulthood.

"If a child is being provided with care under this Act, a plan for the care of that child should be developed that

(i) Addresses the child's need for stability, permanence and continuity of care and relationships, and

(ii) In the case of a youth, addresses the youth's need for preparation for the transition to independence and adulthood;"

Your Role as a Foster Parent

The caseworker is required to obtain earlier permanency for the child through reunification as a priority, or identifying and securing an alternative permanency caregiver. When a child is placed in foster care, these casework responsibilities continue for the child. Foster parents have an important role in working with parents or extended family systems in transitioning the child back into their family or into another placement. The caseworker and foster parent should also be discussing alternative permanency placements in the event that neither of these options is viable or appropriate.

For youth over the age of 16 years, foster parents will be required to continue to support the youth in successfully transitioning to adulthood.

Respect for Cultural Heritage

Enhancement Act Section 2(n)

The legislation recognizes Alberta's diverse multiculturalism and the value of maintaining a child's heritage.

Both caregivers and caseworkers need to ensure that the child's culture is preserved. Caseworkers and foster parents are required to increase their awareness and understanding of the culture of the child and their family. Increased understanding will ensure that interventions reflect the culture of the family.

"A person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;"

Your Role as a Foster Parent

Both caseworkers and foster parents have an increased responsibility to ensure the child stays connected to their cultural community.

When foster parents are providing care to a child that has a cultural background different from their own, additional activities need to occur to preserve the child's cultural identity and ensure the child remains connected to their community.

Building on the collaborative approach to working with children and families, foster parents and caseworkers (the child's primary caseworker and the foster care worker) are required to identify these activities and ensure they are reflected in the concurrent plan or other case plans for the child or youth. The willingness of foster parents to follow through with these activities is critical to the preservation of the child's cultural identity. Achievement of all goals and tasks associated with the foster parents that are identified in the concurrent plan or other case plans for the child or youth should also be part of the discussions between the foster parents and the caseworkers throughout the year and during the annual review.

Respect for Aboriginal Culture & Heritage

Enhancement Act Section 2(p)

The Act emphasizes the importance of supporting culturally appropriate interventions that are reflective of the child's community and traditions.

"If the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child's cultural identity."

Your Role as a Foster Parent

When foster parents are providing care to an Aboriginal child, additional activities need to occur to preserve the child's cultural identity and ensure the child remains connected to their community.

Building on the collaborative approach to working with children and families, foster parents and caseworkers (the child's caseworker and the foster care worker) are required to identify these activities and ensure they are reflected in the concurrent plan or other case plans for the child or youth. The willingness of foster parents to follow through with these activities is critical to the preservation of the child's cultural identity. Achievement of all goals and tasks associated with the foster parents that are identified in the concurrent plan or other case plans for the child or youth should also be part of the discussions between foster parents and the caseworkers throughout the year and during the annual review.

Differential Response

Through "differential response," increased flexibility is provided in responding to families with different needs to ensure their children's safety and well-being. The *Enhancement Act* and supporting policy places a greater emphasis on the importance of a thorough assessment by the caseworker to determine the need and level of service required to further support the family. Supporting families by helping them become more engaged in the community is a basic tenet of differential response. The concept is based on the belief that children and families are happier, healthier, and more fulfilled when positively engaged within their community.

Once a child is assessed as in need of intervention services, either family enhancement or protective services will be provided. Family enhancement services include those services provided when a child remains in the care of their guardian, and the guardian is motivated to address the issues impacting the family situation. There is no court involvement in the family enhancement stream of activity.

When an assessment shows a higher risk for the child, the situation is referred for an investigation. Through the investigation, child protection services may be provided. Child protection services include those interventions provided when a child is in the custody or guardianship of the director or a court intervention is required to support the parents in continuing to provide care to their child.

Child and Youth Advocate

The Children's Advocate has been renamed the Child and Youth Advocate.

The Child and Youth Advocate represents the rights, interests and viewpoints of young people who receive services under the *Enhancement Act* and the *Protection of Children Involved in Prostitution Act (PCHiP)*.

Changes to the Legislation

The *Enhancement Act* recognizes and supports persons with a significant relationship to the child or youth receiving intervention services, to act as a "natural advocate". Parents and other guardians, current caregivers including foster parents and caseworkers already have an advocacy role for the child, and will not be considered for the natural advocate role as this is already part of their responsibilities.

Children's Procedural Rights

Whenever appropriate, caseworkers must inform a child of his or her procedural rights under the *Enhancement Act* pending the age and development of the child. While all youth and children have fundamental rights, additional procedural rights are given to children 12 years of age or older. These are of particular importance when a judge becomes involved in making decisions that affect the child.

Your Role as a Foster Parent

Whenever appropriate, the caseworker will discuss with or provide a document to the child or youth to inform them of their procedural rights. You, the foster parent, may need to discuss this information further with the child or youth (pending their age and development) to help them understand their procedural rights. The caseworker will also give you this document.

Aboriginal Children, Youth and Families

As per the "matters to be considered" when making decisions relating to an Aboriginal child in need of intervention, the uniqueness of the Aboriginal culture, heritage and spirituality and traditions must be respected. Furthermore, consideration must be given to the importance of preserving the Aboriginal child's cultural identity when under the care of the director.

Aboriginal is defined under the *Enhancement Act* as including Indian, Métis and Inuit people and communities. Throughout policy, the phrase "First Nations" is used to refer to Indian children, families and communities.

Section 107 of the *Enhancement Act* identifies when the caseworker is required to contact the First Nations "designate" to facilitate involvement in permanency planning for the child. The legislation also identifies when a caseworker has to obtain consent to facilitate the involvement of the designate. Involvement of the First Nations designate provides opportunities for culturally sensitive expertise in supporting First Nations families and communities.

When a parent or guardian identifies themselves as Métis, the caseworker will provide them with the opportunity to involve an available Métis resource in case planning, support and service provision for the child and family.

Maintenance of the Child's Culture in a Placement

The "matters to be considered" identifies placement priorities, which ensure that the child first and foremost stays connected with the family and community wherever possible.

The concurrent plan, shall be developed collaboratively with the parents, the youth, professionals, caregivers, First Nations designate (as per the legislation), Métis resource or other cultural resource. The plan shall address the child's cultural, spiritual and linguistic background, and steps required to ensure maintenance of the child's culture.

Your Role as a Foster Parent

When foster parents are caring for an Aboriginal child or a child that has a cultural background different from their own, additional activities need to occur to preserve the child's cultural heritage and ensure the child remains connected to their community. This connection to the community may include involvement of a First Nation's designate, Métis resource or other cultural resource. Foster parents may be involved with these individuals at certain points or throughout the case planning process.

Ensuring the child stays connected and aware of their community is critical for the preservation of the child's cultural identity. Discussions need to occur between the foster parents, caseworkers and parents in identifying goals and tasks to support the child's culture while they are in care. These goals and tasks should be part of the case plan for the child. Foster parents and foster care workers should discuss the achievement of the goals and tasks throughout the case planning process as well as during the annual review, to ensure there are concrete strategies or recommendations written into the annual review and foster parents own plan to address the cultural component in the upcoming year.

Earlier Permanency for Children and Youth

The *Enhancement Act* stresses obtaining earlier permanency for children in the care of the director, with a priority on reunification with the parents. Permanency refers to a placement other than in the care of the director.

Concurrent Planning

Through concurrent planning, casework practice has an increased focus on collaboration with families and service providers, early resolution of issues and earlier permanency for children.

Concurrent planning involves earlier discussions with foster parents about their ability to provide a permanent home to the child in the event that the child cannot return to the care of their parents and no extended family placements are available. These discussions should also include the caregiver's willingness to adopt or obtain private guardianship of the child, with adoption being the preferred option.

The concurrent plan addresses, at the outset, two avenues of care for the child, which are developed at the same time:

- *The "family reunification plan" (Part A) outlines the tasks and services required to assist the guardians in making the changes needed to create a safe and secure home for their child and facilitate the return of the child to the custody of the child's guardian, and*
- *The "alternative permanency plan" (Part B) arranges for the child to be placed with an alternative caregiver, preferable other family members, should reunification with the guardian not occur in a timely manner.*

Your Role as a Foster Parent

In developing the concurrent plan, or the transition to independence plan for youth, you, the foster parent, and your caseworker need to discuss your involvement, both in planning and in monitoring achievement of the goals. In a cross-cultural placement, goals with specific tasks and activities must be identified to address the child's cultural heritage. Foster parents are responsible to follow through with the agreed upon goals and tasks to support the child's cultural identity.

You, the foster parent, provide a crucial role in concurrent planning, by providing support to the child and the family. You may be directly responsible for some tasks, especially those that support development of the child's cultural identity, and visitation with the child's family. You may also assist caseworkers and other persons involved in case planning to carry out tasks identified in the "concurrent plan".

Because you provide temporary care to children, you play a critical role in obtaining earlier permanency for children. Caseworkers also have an increased requirement to obtain earlier permanency for children. Emphasis is greater on finding and obtaining a permanent home for the child, with reunification the first priority. Where reunification is not possible, through concurrent planning the caseworker must make every effort to find and obtain an alternative permanency placement within the extended family or community. The caseworker should discuss with you your interest in becoming a permanent caregiver for the child through adoption or private guardianship early in the concurrent planning process, and should continue these discussions throughout planning. Your decision in this regard is respected. Then, if the child cannot return to their parents care, the caseworker obtains a permanent guardianship order, and no extended family placements are available, the caseworker will know whether you want to provide a permanent home, as discussions about this would have been ongoing.

Cumulative Time in Care

The achievement of earlier permanency for children is paramount for their healthy development. Attachment issues and development of children need to be primary considerations in permanency planning. Research has proven that children under 6 years are quickly at risk developmentally if they are unable to form loving, stable and sustainable relationships.

To support the healthy development of children, cumulative time in care timelines have been shortened and varied based on the child's age with an increased focus on children under the age of 6 years.

The total time that a child may be in the custody of the director or the subject of a TGO has been changed to:

- 15 months for children under the age of 6, and
- 18 months for children over the age of 6.

Additional accountability requirements to the courts are included in the legislation when caseworkers request extensions within the maximum timeframes identified above.

Your Role as a Foster Parent

Because timelines for obtaining earlier permanency for children have been shortened, from the day the child enters your home, there is increased emphasis on facilitating access to support the child's relationship with their parents and community (i.e., school, regular visitation). Also, there is increased focus on your involvement as the foster parent in planning activities and identifying goals and tasks to support earlier permanency for the child.

Permanent Guardianship Order (PGO)/ Permanent Guardianship Agreement & (PGA) Reporting

To increase accountability, the *Enhancement Act* requires the director to obtain reports on obtaining permanency for children who are under PGO or PGA for one year or more. This amendment speaks directly to the importance of permanency planning and obtaining earlier permanency for children.

Secure Services

Secure services reflect the importance of a continuum of services being provided to high-risk children who are receiving interventions under the *Enhancement Act*. Secure services focus on the importance of a multi-disciplinary team approach in stabilizing the child's behaviour.

Secure services is used only in extreme situations for youth. To access secure services, caseworkers must attend court and obtain a court order. Your caseworker can further explain this highly intrusive service to you in the event that a youth in your care requires stabilization through this facility.

Your Role as a Foster Parent

Placement in a foster home may be considered upon discharge from the secure services facility. If this applies to your situation, the caseworker will work with you, the foster parent, to identify the needed supports to ensure a successful transition for the youth.

Permanency Options

To support children's healthy development, obtaining earlier permanency for children with permanent guardianship order status (PGO) is a priority. Caseworkers and foster parents should discuss the potential role foster parents may have in obtaining adoption or private guardianship of the child. This may mean the foster parents supporting the child in transitioning to a permanent caregiver, or foster parents pursuing adoption or private guardianship.

Adoption, which is the preferred choice, and private guardianship are evidence of a strong commitment to children. The commitment entered into by adopting a child is one that lasts a lifetime.

Differences Between Private Guardianship and Adoption

For children who are in the care of the director, caseworkers and adoption workers will be collaborating and discussing permanency options with the guardian and the caregiver (including kinship care and foster parents) early in the permanency planning process. This is part of the concurrent planning process and the discussions should occur ongoing throughout planning for the child.

As obtaining permanency for children with permanent guardianship order status (PGO) is a priority, caseworkers will be initiating discussions with foster parents about their potential involvement in obtaining adoption, which is the preferred choice, or private guardianship of the child. This may include foster parents supporting the child in transitioning to a permanent caregiver, or pursuing adoption or private guardianship. Adoption and private guardianship is evidence of a strong commitment to children.

For children who are unable to return to parental care, caseworkers and adoption workers will provide information to caregivers about the differences between adoption and private guardianship to assist families with decision-making. If foster parents have questions with respect to the legal implications of private guardianship or adoption they are advised to

consult with a lawyer.

In obtaining adoption or private guardianship of a child that is under PGO status, the new *Supports for Permanency Program* may be available to further support caregivers, pending eligibility.

The following identifies a number of key differences between private guardianship and adoption:

- Private guardianship does not give the caregiver the status of a 'parent'.
- There is no ability to change the child's last name upon the granting of the private guardianship order, as there is when an adoption order is granted. However, the private guardian can always apply under the *Change of Name Act* to have the child's name changed.
- There are differences in inheritance rights. Questions concerning this area should be discussed with a lawyer.
- In some cases, the court may not find it necessary to terminate a *parent's* guardianship rights to a child even when it grants private guardianship to a caregiver. When a child is adopted, however, the law treats the child as though he or she was born to the adoptive parent(s). (That is, the birth parents lose guardianship rights as well as their status as parents).
- After PGO is granted, if a private guardianship order is obtained, the parents cannot use the *Enhancement Act* to obtain private guardianship at a later date, and cannot apply to terminate the private guardianship order. However, there may be a possibility that the biological parents will, at some point, attempt to use the courts to regain guardianship of their child. While this does not mean that such applications are likely to be made, or that the biological parents who choose to pursue guardianship will necessarily be successful, foster parents need to be aware that

private guardianship does not close the door to this possibility. Adoption may be the preferred choice for foster parents who are concerned about the potential for biological parents to seek guardianship in the future.

This distinction provides caseworkers and potential adoptive and private guardians with some guidance as to what option to pursue in specific circumstances.

Adoption for First Nations Children

The *Enhancement Act* requires the involvement of a First Nations designate in permanency planning for a First Nations child who is in the care of the director and who is a member of the band. The discussions regarding permanency plans, which may include adoption or private guardianship, should be part of these discussions early on to further support permanency for the child.

Your Role as a Foster Parent

For children who are in the care of the director, caseworkers and adoption workers are required to collaborate and discuss permanency options with the guardian and the caregiver (including kinship care and foster parents) early in the permanency planning process. These discussions should be initiated early on as part of concurrent planning.

These discussions between you, the foster parent, and the caseworker should continue throughout planning for the child, so that when a permanent guardianship order has been granted, the caseworker is well aware of whether you want to become a permanent caregiver.

Caseworkers and adoption workers can assist you in understanding the differences between adoption and private guardianship to help you decide which is right for you.

The Supports for Permanency Program may further support foster parents who are eligible to obtain adoption or private guardianship of a child under PGO status.

Supports for Permanency Program

The Enhancement Act allows the director to provide financial assistance to those caregivers who are granted private guardianship of a child who is under Permanent Guardianship Order or Permanent Guardianship Agreement status. The current "Post Adoption Support Program" and the new "Post Private Guardianship Support Program" has been integrated into one program, called "Supports for Permanency."

In addition, for children who are eligible, services will be coordinated with the "Family Supports for Children with Disabilities Program" to be operated under the new *Family Support for Children with Disability Act*. To ensure integrated service delivery, it is anticipated that referral into the "Family Supports for Children with Disabilities Program" would be completed internally within Children's Services.

The Supports for Permanency Program provides greater support to foster parents, kinship caregivers or others who wish to assume private guardianship or adoption of children under permanent guardianship status. The supports provided to families who assume private guardianship will be consistent with the support and services provided to families who adopt children. By continuing to provide financial and service supports to these caregivers *after* they obtain private guardianship or adoption, more children will obtain earlier permanency. The provision of supports will continue to be evaluated on a yearly basis.

Potential caregivers should discuss eligibility and how to access the program with their caseworker. If eligible, an agreement will be signed that identifies the services and supports that will be available.

Once determined that the adoptive or private guardianship caregiver is eligible for the program, two types of support may be provided, which include maintenance and financial assistance for the purchase of services. Foster parents should discuss the program with their caseworker who can arrange a meeting with the caseworkers for adoption and the Family Support for Children with Disabilities program.

Your Role as a Foster Parent

Foster parents and kinship providers for children under PGO or PGA status may be eligible for the Supports for Permanency Program as well as the Family Support for Children with Disabilities Program upon an adoption or private guardianship order being granted.

Transitional supports and services will also be available if you are pursuing private guardianship or adoption of a PGO child, and in some instances of a PGA child. Please discuss transitional supports associated with the Support for Permanency Program with your caseworker.

In addition, if you care for a child with a disability, you may be eligible for the new program offered through the Family Support for Children with Disabilities Act and for the Supports for Permanency Program. These two programs will be well coordinated for you if you become an adoptive parent or private guardian. Your caseworker can set up a meeting with other caseworkers with expertise in this area to make sure you are well informed about the level of support you will receive if you become a permanent caregiver.

Supporting Youth in Successfully Transitioning to Adulthood

The *Enhancement Act* contains provisions to support youth in planning for a successful transition to adulthood. Caseworkers are required to work with the youth, caregivers and other professionals in preparing a *Transition to Independence Plan*. The plan is to help youth make a successful transition to adulthood by supporting them in developing their knowledge, skills, and abilities.

Your Role as a Foster Parent

You, the foster parent, have a critical role in supporting youth in successfully transitioning to adulthood. Because of your significant relationship with the youth, you can help develop the plan, which advocates for the youth and connects them to community resources.

Licensing of Residential Facilities

The goal of the new licensing provisions is to ensure quality of care and accountability for children in the care of the director. The licensing requirement is intended to be coordinated with the contracting process the accreditation/certification process, and the approval and annual review process for foster homes. The director can only place children in residential facilities that are licensed under the *Enhancement Act*. Transitional requirements are provided for in the legislation for current foster parents and other residential resources.

The goal of the licensing requirement is to ensure that children in the care of the director are provided for in a consistent manner as per legislated provincial standards. For foster parents, the regulations and policy are based on the approval process that has always been part of the requirements to become a foster parent. This licensing process will be implemented in a way that balances the requirements to ensure quality of care while being respectful of the individual family systems of foster parents.

The mandate to licence facilities that provide care to children and youth under the care of the director was removed from the *Social Care Facilities Licensing Act*. In that sense, all requirements introduced in this section are new.

The licensing requirement have been expanded to include all foster homes—not just those who provide care for four or more children in the care of the director. All foster homes must now be licensed under the *Enhancement Act*.

In applying the standards, the regions (Child and Family Service Authorities and Delegated First Nation Agencies) will identify the most suitable role for implementation of the licensing requirements. It is acknowledged in some regions that the foster care worker will be the licensing officer, however there may be differences among the regions. In implementing the

licensing function, coordination will occur between the foster care worker, caseworker and licensing officer for foster homes.

Foster Home Licensing

Issuing of the foster home licence is coordinated with the approval process for foster care so it is one process. The standards identified through the regulations and policy are based on the current approval process in which a licence and approval occurs at the same time to become a foster parent. The licence will be renewed annually during the annual foster home review to ensure the process is streamlined for foster parents.

A "licensed foster home" indicates to the community that the home meets the Ministry's licensing requirements, standards, and criteria for providing supplemental care to a child in the custody of the director.

Your Role as a Foster Parent

Your foster care worker will advise you how licensing works in your region. There should be minimal impact on you, the foster parent, as many requirements for licensing reflect current policy and best practices.

Requirements for licensing and approval of a foster home have been integrated into one process. In other words, through obtaining a licence, you also gain approval to foster children. The licence is valid for one year. Your annual review is also coordinated with licensing, which means that as you complete the annual review requirements, you are also meeting the requirements to obtain licence renewal to continue to provide foster care.

When the legislation comes into force on November 1, 2004, all foster homes will require a licence to accept placements; however, if you have a child in your home, you will have up to 18 months to obtain the licence. If you have a licence through the Social Care Facilities Act, you will be required to obtain a licence under the Enhancement Act upon expiration of your licence.

Administrative Review and Appeal

Collaborative efforts that result in acceptable resolution without administrative review achieve earlier permanency for children and strengthen the relationship between the caseworker and foster parents, parents and others. This supports and reinforces the matter to be considered that stresses no unreasonable delays in implementing decisions.

It is critical that all impacted parties, including foster parents, are brought together to attempt to resolve the situation, therefore avoiding the need for an administrative review or appeal.

The Administrative Review and Appeal Panel provide two additional ways to review decisions about what is in the best interests of the child.

Your Role as a Foster Parent

The Enhancement Act requires that most decisions must first go through an administrative review, with exceptions that can be directly appealed. The policy requirement to use alternative dispute resolution early should help you, the foster parent, and the caseworker resolve issues in a less formal way, and reduce the number of disputes going to administrative review and appeal.

If the administrative review process does resolve an issue, individuals (as identified in the legislation) may request an appeal for matters specifically defined in the legislation.

The appeal panel process has always been part of the legislation, but several changes have been made to the areas that are appealable under the Enhancement Act. The Act clarifies that an appeal panel must adhere to the matters to be considered, which include making decisions in the best interests of the child and considering the importance of permanency for the child.